

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LINDA MESSICK,

No. C 12-693 SI

12 Plaintiff,

**ORDER GRANTING IN PART  
PLAINTIFF'S MOTION FOR REVIEW  
OF CLERK'S TAXATION OF COSTS**13 v.  
14 NOVARTIS PHARMACEUTICALS  
CORPORATION,

15 Defendant.

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17 Plaintiff's motion to review the Clerk's taxation of costs is scheduled for a hearing on June 14,  
18 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for  
19 resolution without oral argument, and VACATES the June 14 hearing.20 In an order filed February 15, 2013, the Court granted defendant's *Daubert* motion and granted  
21 summary judgment in favor of defendant. On March 7, 2013, plaintiff filed a notice of appeal of the  
22 February 15, 2013 order. On April 2, 2013, the Clerk taxed costs in the amount of \$18,267.54 against  
23 plaintiff.24 Plaintiff raises several objections to the Clerk's taxation of costs, and requests that the Court  
25 exercise its discretion to deny all costs or substantially reduce them. Alternatively, plaintiff moves that  
26 "all activity relating to costs be stayed until the outcome of Plaintiff's appeal has been determined."27 The Court finds it appropriate to stay the determination of costs pending the resolution of  
28 plaintiff's appeal, and accordingly GRANTS the motion to stay this matter pending appeal.

Within five days of the resolution of plaintiff's appeal, the parties shall file a letter with the Court stating whether plaintiff renews the motion for review of the Clerk's taxation of costs or whether the motion has been mooted by the appeal.

4 This order resolves Docket No. 114.

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## **IT IS SO ORDERED.**

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Dated: June 11, 2013

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**SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE**

# **United States District Court**

For the Northern District of California